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RECEIVER FOR CREDIT BANCORP, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL H. LOEWENSON, JR., COURT-
APPOINTED RECEIVER FOR CREDIT
BANCORP, LTD.,

Plaintiff,

v.

UNIVERSAL COMMUNICATION SYSTEMS,
INC. (formerly World Wide Wireless
Communications, Inc.),

Defendant.

Case No. C 06-2182 MHP

AMENDED

**SECOND STIPULATION TO
MODIFY SUMMARY
JUDGMENT SCHEDULE**

AND ORDER

This stipulation is entered into by and between Plaintiff Carl H. Loewenson, Jr., as court-appointed receiver of Credit Bancorp, Ltd., and Universal Communication Systems (formerly World Wide Wireless Communications, Inc.), by and through their attorneys, with reference to the following recitals:

A. At a telephone Case Management Conference held on July 25, 2006, the Court set a briefing and hearing schedule for plaintiff's summary judgment motion, which is reflected in the Civil Pretrial Minutes dated July 25, 2006 [Docket No. 13] and which provided for the filing of a summary judgment motion by September 12, 2006, defendant's opposition to be filed and

served by October 2, 2006, plaintiff's reply to be filed and served by October 12, 2006, and the motion to be heard on October 23, 2006.

B. Pursuant to Stipulation and Order entered on September 21, 2006 [Docket No. 14-1], the summary judgment schedule was modified to coincide with an extension of the schedule for conducting the court-ordered mediation in this case, so that defendant's opposition to the motion would not be required until after the mediation was held. The modified schedule provided that the summary judgment motion was to be filed by October 27, 2006, defendant's opposition was to be filed and served by November 17, 2006, the reply to the opposition was to be filed and served by November 30, 2006, and the hearing on the motion was scheduled for December 11, 2006.

C. On October 27, 2006, plaintiff filed its summary judgment motion (the "Motion"), in compliance with the September 21, 2006 order. The mediation was conducted on November 9, 2006, as scheduled, but did not result in a settlement.

D. Defendant has requested a further modification of the summary judgment schedule, on the ground that defendant needs more time to conduct discovery and prepare and file its opposition to the Motion. Plaintiff contends that defendant has had adequate time to conduct any investigation and discovery since this action was filed on March 27, 2006 and served on March 30, 2006. Nonetheless, to avoid litigation over whether defendant is entitled to further time to respond to the Motion, plaintiff has agreed to an extension of defendant's time to oppose the Motion and to continue the hearing on the Motion, but only on the terms and conditions set forth herein.

WHEREFORE, IT IS STIPULATED AS FOLLOWS:

1. The summary judgment schedule shall be extended and modified as follows:

(a) Defendant shall file and serve its opposition to the Motion on or before January 11, 2007. Service shall be by e-filing notification or other method of service that provides for same-day receipt of the opposition papers by plaintiff.

(b) Plaintiff shall file and serve its reply to the opposition on or before January 29, 2007. Service shall be by e-filing notification or other method of service that provides for same-day receipt of the reply papers by defendant.

(c) The hearing on the Motion shall be held at 2 p.m. on February 12, 2007.

2. The extension of the summary judgment schedule shall be for the purpose of enabling defendant to seek the following discovery or investigation: (1) the broker/dealer who handled the transactions of the shares' (2) the lawyers who drew up the agreements; (3) Douglas Haffer; (4) former directors of Credit bank Corp; (5) previous directors of WLGS.

3. Defendant agrees that it will not seek, either from plaintiff or from the Court, any further extension of time to oppose the Motion or further continuance of the hearing or other proceedings on the Motion, for any reason, including but not limited to any request under Rule 56(f) of the Federal Rules of Civil Procedure, regardless of whether defendant has been able to complete or obtain the discovery it seeks. Defendant agrees that if its opposition to the Motion is not filed and served by the January 11, 2007 deadline, plaintiff may seek an order by ex-parte application granting the Motion by default.

4. Defendant agrees that in the event defendant plans to submit an affidavit or declaration from Douglas Haffer, former chief executive officer of defendant, in opposing the Motion, defendant shall cause Mr. Haffer to be available to plaintiff for deposition, upon plaintiff's request, prior to the deadline for filing of plaintiff's reply and no later than January 15, 2007.

5. On or before December 15, 2006, Defendant shall file a written response under Rule 34(b) to plaintiff's First Request for Production of Documents to Defendant (the "Document Request"). Defendant has previously produced documents to Plaintiff and shall produce any additional documents required to be produced under the Document Request on or before December 28, 2006.

6. Nothing herein shall affect or limit plaintiff's right to conduct discovery or seek other relief during the pendency of the Motion.

Dated: November 29, 2006

PATRICIA S. MAR
MORRISON & FOERSTER LLP

MARK O. VAN WAGONER

By: _____
Patricia S. Mar

By: 
Mark O. Van Wagoner

Attorneys for Plaintiff
CARL H. LOEWENSON, JR., COURT-
APPOINTED RECEIVER FOR CREDIT
BANCORP, LTD.

Attorneys for Defendant
UNIVERSAL COMMUNICATIONS
SYSTEMS, INC.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

af-2233182

U.S. District Judge

STIPULATION AND ORDER
EXTENSION OF TIME
Case No. 06-2182 MHP

Dated: November 29, 2006

PATRICIA S. MAR
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Patricia S. Mar

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Mark O. Van Wagoner

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CARL H. LOEWENSON, JR., COURT-
APPOINTED RECEIVER FOR CREDIT
BANCORP, LTD.

Attorneys for Defendant
UNIVERSAL COMMUNICATIONS
SYSTEMS, INC.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 12/7/06



U.S. District Judge

sf-2237547